

REQUIREMENTS FOR FEDERAL COAL LESSEES

Provisions of the Mineral Leasing Act of 1920 (MLA), as amended by the Federal Coal Leasing Amendments Act of 1976, affect an entity's qualifications to obtain an oil and gas lease. Section 2(a)(2)(A) of the MLA, 30 U.S.C. 201(a)(2)(A), requires that any entity that holds and has held a federal coal lease for 10 years beginning on or after August 4, 1976, and who is not producing coal in commercial quantities from each such lease, cannot qualify for the issuance of any other lease granted under the MLA. Compliance by coal lessees with section 2(a)(2)(A) is explained in 43 CFR 3472.

In accordance with the terms of this oil and gas lease with respect to compliance by the initial lessee with qualifications concerning federal coal lease holdings, all assignees and transferees are hereby notified that this oil and gas lease is subject to cancellation if: (1) the initial lessee as assignor or as transferor has falsely certified compliance with section 2(a)(2)(A) or (2) because of a denial or disapproval by a Bureau of Land Management (BLM) state office of a pending coal action, i.e., arms-length assignment, relinquishment, or logical mining unit, the initial lessee as assignor or as transferor is no longer in compliance with section 2(a)(2)(A). The assignee or transferee does not qualify as a bona fide purchaser and, thus, has no rights to bona fide purchaser protection in the event of cancellation of this lease due to noncompliance with section 2(a)(2)(A).

Information regarding assignor or transferor compliance with section 2(a)(2)(A) is contained in the lease case file as well as in other BLM records available through the state office issuing this lease.

<u>Parcels</u>	<u>Description of Lands</u>
NV-13-06-001 THRU NV-13-06-041	ALL LANDS

**ENDANGERED SPECIES ACT
SECTION 7 CONSULTATION**

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. The BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. The BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modifications of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it completes its obligations under applicable requirements of the Endangered Species Act, 16 U.S.C. 1531, et seq., as amended, including completion of any required procedure for conference or consultation.

<u>Parcels</u>	<u>Description of Lands</u>
NV-13-06-001 THRU NV-13-06-041	ALL LANDS

CULTURAL RESOURCES AND TRIBAL CONSULTATION

This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations (e.g., State Historic Preservation Officer (SHPO) and tribal consultation) under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

<u>Parcels</u>	<u>Description of Lands</u>
NV-13-06-001 THRU NV-13-06-041	ALL LANDS

MULTIPLE MINERAL DEVELOPMENT

This parcel may contain existing mining claims and/or mill sites located under the 1872 Mining Law. To the extent it does, the oil and gas lessee must conduct its operations, so far as reasonably practicable, to avoid damage to any known deposit of any mineral for which any mining claim on this parcel is located, and should not endanger or unreasonably or materially interfere with the mining claimant's operations, including any existing surface or underground improvements, workings, or facilities which may have been made for the purpose of mining operations. The provisions of the Multiple Mineral Development Act, 30 U.S.C. 521, et seq., shall apply on the leased lands.

<u>Parcels</u>	<u>Description of Lands</u>
NV-13-06-001 THRU NV-13-06-041	ALL LANDS

GENERAL OCCUPANCY

Surface occupancy may be restricted for specific periods by the BLM's authorized officer for reasons that include, but are not limited to (a) extended periods of high soil moisture or runoff when unusual road damage or land surface rutting can occur, and (b) disturbance activity that could have a significant effect on sage-grouse breeding or brood-rearing, raptor nesting, or crucial deer or pronghorn antelope wintering areas.

Warming and cooling trends during winter, spring runoff events and other large precipitation events can contribute to extended periods of high soil moisture or runoff that can cause road damage or land surface rutting. These issues can be compounded in areas where slopes are greater than 30%.

Parcels

Description of Lands

NV-13-06-001
THRU
NV-13-06-002

ALL LANDS

SPECIAL STATUS SPECIES

The lease area may contain BLM special status species (SSS) plants, animals or their habitat. SSS include 1) federally listed species under the Endangered Species Act (ESA; i.e., threatened, endangered or candidate) and 2) species whose populations in Nevada or the Battle Mountain District (BMD) are determined to be at risk (contact BMD for a complete list of SSS). BLM has species-specific recommendations to avoid or modify activities that are likely to disturb SSS or severely degrade critical habitat. The BLM will not approve any ground-disturbing activity that may negatively affect federally listed species or critical habitat, until it completes its obligations under applicable requirements of the ESA, as amended, 16 U.S.C. 1531, et seq., including completion of any required procedure for conference or consultation.

<u>Parcels</u>	<u>Description of Lands</u>
NV-13-06-001 THRU NV-13-06-002	ALL LANDS

PYGMY RABBITS
(*Brachylagus idahoensis*)

Pygmy rabbits are a BLM SSS that are typically restricted to stands of tall, dense sagebrush where they dig their burrows in deep, friable soils. The BLM recommends that pygmy rabbit surveys be conducted prior to surface disturbing activities (see the Draft BMD Wildlife Survey Protocol for methods and habitat requirements). Generally, surveys entail searching for pygmy rabbit burrows and their sign throughout in potential habitat within the proposed disturbance area and a 40 meter buffer. It is advised that the proponent have a qualified biologist conduct these surveys. If a recent pygmy rabbit sign is located, the BLM recommends that surface disturbance should be avoided within 40 meters of burrows.

<u>Parcels</u>	<u>Description of Lands</u>
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NV-13-06-001	
THRU	ALL LANDS
NV-13-06-002	

MIGRATORY BIRDS

Songbirds and other small birds - It is recommended that any land clearing or other surface disturbance associated with proposed actions within the project area be timed to avoid potential disturbance of breeding birds or their nests and young (see BMD Wildlife Survey Protocol for a priority migratory birds list). Disturbance of breeding birds or destruction of nests with eggs or young is a violation of the Migratory Bird Treaty Act (MBTA). The BLM recommends that land clearing be conducted outside the avian breeding season. For most birds, the breeding season is considered to be from April 1 – July 31 (but see guidelines for Raptors and Eagles below). If land clearing is not feasible outside of the breeding season, the BLM recommends that a qualified biologist survey the area prior to land clearing. These surveys are only good for 14 days. If activity is not completed before that window is finished then another survey may be needed. If nests are located, or if other evidence of nesting (i.e., mated pairs, territorial defense, carrying nesting material, transporting of food) is observed, a protective buffer (the size depending on the habitat requirements of the species; see BMD Wildlife Survey Protocol) should be delineated and the entire area avoided until young fledge or the nest is no longer occupied.

General Raptors - Raptor stipulations are similar to the stipulation for songbirds, with the exception that 1) the nesting season is extended (March 1 – July 31), and 2) the survey area is larger (surveys will be conducted in the project area in addition to a 1 mile buffer surrounding the proposed surface disturbance). This survey buffer may be reduced or altered based on topography and the presence of other physical barriers.

Golden Eagles – Golden Eagles are protected under the MBTA and the Golden and Bald Eagle Protection Act (GBEPA). The U.S. Fish & Wildlife Service (USFWS) has guidance for proposed projects that have the potential to impact eagles or their habitat. Generally, the steps in these guidelines include 1) surveying for nests within a 4 – 10 mile radius of the project, 2) developing an eagle conservation plan (ECP) in cases where eagles and/or their nests are likely to be impacted, 3) determining if the project has the potential to disturb breeding behavior, and 4) determining if the proponents need to apply for a permit to authorize unintentional take. No known golden eagle nests occur within 4 miles of the oil and gas parcels below. In addition, very few structures suitable for golden eagle nests (e.g. prominent cliffs) are located within 4 miles of the parcels below. Therefore, surveys for golden eagle nests will be designed along with BMD biologists to target the most probable locations within 4 miles of the parcels. Otherwise, golden eagle surveys will not differ from general raptor survey requirements (see above).

<u>Parcels</u>	<u>Description of Lands</u>
NV-13-06-001 THRU NV-13-06-002	ALL LANDS

GREATER SAGE-GROUSE
(*Centrocercus urophasianus*)

Sage-grouse populations have declined over the past century partly due to habitat degradation, and they are currently a candidate for federal listing under the ESA. Maintaining and restoring critical sage-grouse habitat is the BLM’s primary means of conserving sage-grouse populations and one of its most important current programs. As such, the BMD has stipulations to prevent or mitigate sage-grouse habitat loss, and avoid activities that could disturb grouse during critical seasonal periods.

The lease area does not contain any active or historic sage-grouse leks, and the closest lek is >4 miles from the lease perimeter. The lease area does not contain any sage-grouse Preliminary Priority Habitat (PPH). However, a significant portion of the lease area is located within Preliminary General Habitat (PGH). PGH is defined as areas of occupied seasonal or year-round habitat outside of priority habitat.

The following are stipulations specific to the 2013 oil and gas lease parcels that apply to any activities that occur in PGH.

- 1) Mitigation is required in PGH at a rate of 2 acres per every 1 acre that is destroyed
- 2) Avoid cross-country travel from April 1 – July 15
- 3) Vehicle speeds should not exceed 25 MPH on unpaved roads
- 4) Minimize disturbance to vegetation
- 5) Do not allow dogs to run loose on project sites

<u>Parcels</u>	<u>Description of Lands</u>
NV-13-06-001 THRU NV-13-06-002	ALL LANDS

CULTURAL RESOURCES

Any proposed activities to be conducted under a lease should be evaluated on a case by case basis for compliance with Section 106 of the National Historic Preservation Act. Prior to any project implementation or ground disturbing activities, including exploration plans, adequate inventory, evaluation and mitigation (if necessary) of cultural resources must occur pursuant to Section 106 of the National Historic Preservation Act and as articulated in the Nevada State Protocol Agreement.

Furthermore, the Native American Graves Protection and Repatriation Act (NAGPRA: 43 CFR 10), protects items of cultural patrimony, Native American funerary items, Native American remains and sacred objects. In addition, the Archaeological Resources Protection Act (ARPA: 43 CFR 7.4, 7.14, 7.15, 7.16) provides for civil and/or criminal penalties for the disturbance of archaeological resources on federal lands. If cultural resources, Native American skeletal remains, funerary items, sacred items, or objects of cultural patrimony, are discovered during any phase of project implementation, all operations must cease in the vicinity of the discovery. The BLM must be notified immediately, by telephone, with written confirmation to follow (43 CFR 10.4(c), (d), (g); Nevada State Protocol Agreement VIII [b>>. Notification should be made to Doug Furtado, District Manager, Battle Mountain District Office, 50 Bastian Road, Battle Mountain, NV 89820, 775-635-4000]). No activity in the vicinity of the discovery should resume until the operator has been issued a Notice to Proceed by the Authorized Officer.

<u>Parcels</u>	<u>Description of Lands</u>
NV-13-06-001 THRU NV-13-06-002	ALL LANDS

NATIVE AMERICAN CONSULTATION

In accordance with the National Historic Preservation Act (P.L. 89-665), the National Environmental Policy Act (P.L. 91-190), the Federal Land Policy and Management Act (P.L. 94-579), the American Indian Religious Freedom Act (P.L. 95-341), the Native American Graves Protection and Repatriation Act (P.L. 101-601) and Executive Order 13007, the BLM must also provide affected tribes an opportunity to comment and consult on the proposed project. BLM must attempt to limit, reduce, or possibly eliminate any negative impacts to Native American traditional/cultural/spiritual sites, activities, and resources.

The BLM reserves the right to deny or alter proposed activities associated with any surface occupancy that results from oil, gas, and geothermal leasing. Maintaining physical and spiritual integrity of certain locations within the Mount Lewis Field Office administrative boundary is detrimental to present and future cultural/spiritual/traditional activities. In accordance with federal legislation and executive orders, federal agencies must consider the impacts their actions may have on Native American tradition and religious practices. Consequently, the BLM must take steps to identify locations having traditional/cultural or religious values to Native Americans and insure that its actions do not unduly or unnecessarily burden the pursuit of traditional religion or traditional life ways.

<u>Parcels</u>	<u>Description of Lands</u>
NV-13-06-001	
THRU	ALL LANDS
NV-13-06-002	

**ARCHAEOLOGICAL STIPULATION
ARCH-ZONE 1**

These leases may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Authority: BLM Washington Office Instruction Memorandum 2005-03

<u>Parcels</u>	<u>Description of Lands</u>
NV-13-06-011	ALL LANDS
NV-13-06-012	ALL LANDS
NV-13-06-013	ALL LANDS
NV-13-06-014	ALL LANDS
NV-13-06-016	ALL LANDS
NV-13-06-019	ALL LANDS
NV-13-06-020	ALL LANDS
NV-13-06-021	ALL LANDS
NV-13-06-023	ALL LANDS
NV-13-06-024	ALL LANDS
NV-13-06-026	ALL LANDS
NV-13-06-027	ALL LANDS
NV-13-06-028	ALL LANDS
NV-13-06-029	ALL LANDS
NV-13-06-031	ALL LANDS
NV-13-06-032	ALL LANDS
NV-13-06-033	ALL LANDS
NV-13-06-034	ALL LANDS
NV-13-06-035	ALL LANDS
NV-13-06-036	ALL LANDS
NV-13-06-037	ALL LANDS
NV-13-06-038	ALL LANDS
NV-13-06-040	ALL LANDS

**ARCHAEOLOGICAL STIPULATION
ARCH-ZONE 2**

These leases may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Authority: BLM Washington Office Instruction Memorandum 2005-03

<u>Parcels</u>	<u>Description of Lands</u>
NV-13-06-004	ALL LANDS
NV-13-06-005	ALL LANDS
NV-13-06-010	ALL LANDS
NV-13-06-011	ALL LANDS
NV-13-06-012	ALL LANDS
NV-13-06-013	ALL LANDS
NV-13-06-014	ALL LANDS
NV-13-06-015	ALL LANDS
NV-13-06-016	ALL LANDS
NV-13-06-017	ALL LANDS
NV-13-06-018	ALL LANDS
NV-13-06-019	ALL LANDS
NV-13-06-020	ALL LANDS
NV-13-06-021	ALL LANDS
NV-13-06-023	ALL LANDS
NV-13-06-024	ALL LANDS
NV-13-06-025	ALL LANDS
NV-13-06-026	ALL LANDS
NV-13-06-027	ALL LANDS
NV-13-06-028	ALL LANDS
NV-13-06-029	ALL LANDS
NV-13-06-031	ALL LANDS
NV-13-06-032	ALL LANDS
NV-13-06-033	ALL LANDS
NV-13-06-034	ALL LANDS
NV-13-06-035	ALL LANDS
NV-13-06-036	ALL LANDS
NV-13-06-037	ALL LANDS
NV-13-06-040	ALL LANDS

ARCH-ZONE 2

**ARCHAEOLOGICAL STIPULATION
ARCH-ZONE 3**

These leases may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Authority: BLM Washington Office Instruction Memorandum 2005-03

<u>Parcels</u>	<u>Description of Lands</u>
NV-13-06-003	ALL LANDS
NV-13-06-004	ALL LANDS
NV-13-06-005	ALL LANDS
NV-13-06-006	ALL LANDS
NV-13-06-007	ALL LANDS
NV-13-06-008	ALL LANDS
NV-13-06-009	ALL LANDS
NV-13-06-010	ALL LANDS
NV-13-06-012	ALL LANDS
NV-13-06-013	ALL LANDS
NV-13-06-014	ALL LANDS
NV-13-06-015	ALL LANDS
NV-13-06-016	ALL LANDS
NV-13-06-017	ALL LANDS
NV-13-06-018	ALL LANDS
NV-13-06-019	ALL LANDS
NV-13-06-020	ALL LANDS
NV-13-06-021	ALL LANDS
NV-13-06-024	ALL LANDS
NV-13-06-026	ALL LANDS
NV-13-06-027	ALL LANDS
NV-13-06-028	ALL LANDS
NV-13-06-029	ALL LANDS
NV-13-06-031	ALL LANDS
NV-13-06-032	ALL LANDS
NV-13-06-035	ALL LANDS
NV-13-06-040	ALL LANDS
NV-13-06-041	ALL LANDS

**ARCHAEOLOGICAL STIPULATION
ARCH-ZONE 4**

These leases may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Authority: BLM Washington Office Instruction Memorandum 2005-03

Parcels

Description of Lands

NV-13-06-026

ALL LANDS

**ARCHAEOLOGICAL STIPULATION
ARCH-ZONE 5**

These leases may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Authority: BLM Washington Office Instruction Memorandum 2005-03

<u>Parcels</u>	<u>Description of Lands</u>
NV-13-06-003	ALL LANDS
NV-13-06-019	ALL LANDS
NV-13-06-022	ALL LANDS
NV-13-06-024	ALL LANDS
NV-13-06-025	ALL LANDS
NV-13-06-029	ALL LANDS
NV-13-06-032	ALL LANDS
NV-13-06-036	ALL LANDS
NV-13-06-037	ALL LANDS

**ARCHAEOLOGICAL STIPULATION
ARCH-ZONE 6**

These leases may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Authority: BLM Washington Office Instruction Memorandum 2005-03

These parcels are located outside of the area defined by the Railroad Valley Predictive Model. Only 2 to 5 percent of this total area has been surveyed for cultural resources. Most of the surveys conducted within these areas have been linear surveys for roads or seismic lines. Cultural sites were identified during most of those surveys. A Class III cultural survey will be required for projects located in these areas if that area has not been adequately surveyed in the last 10 years.

Parcels

Description of Lands

NV-13-06-039

ALL LANDS

NATIVE AMERICAN CONSULTATION REQUIRED

This lease may be found to contain historic properties and/or resources protected under the National Historic Preservation Act (NHPA), American Indian Religious Freedom Act, Native American Graves Protection and Repatriation Act, E.O. 13007, or other statutes and executive orders. The BLM will not approve any ground disturbing activities that may affect any such properties or resources until it completes its obligations under applicable requirements of the NHPA and other authorities. The BLM may require modification to exploration or development proposals to protect such properties, or disapprove any activity that is likely to result in adverse effects that cannot be successfully avoided, minimized or mitigated.

Parcels**Description of Lands**

NV-13-06-003
THRU
NV-13-06-041

ALL LANDS

**TIMING LIMITATION STIPULATION
MULE DEER WINTER HABITAT**

No surface use is allowed during the following time period(s). This stipulation does not apply to operations and maintenance of production facilities.

Mule deer winter habitat from January 15 to May 15.

For the purpose of:

Protection of mule deer winter habitat, restrict activities which might be disturbing to mule deer between January 15 and May 15, Tonopah RMP, p. 8. Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of the stipulation, see BLM Manual 1624 and 3103.

<u>Parcels</u>	<u>Description of Lands</u>
NV-13-06-026	ALL LANDS
NV-13-06-030	ALL LANDS
NV-13-06-039	ALL LANDS
NV-13-06-040	ALL LANDS
NV-13-06-041	ALL LANDS

**TIMING LIMITATION STIPULATION
BIGHORN LAMBING AREA**

No surface occupancy is allowed during the following time period. This stipulation does not apply to operation and maintenance of production facilities.

Bighorn lambing area from February 1 to May 15.

Parcel

Description of Lands

NV-13-06-026

T.0050N, R.0570E, 21 MDM, NV
Sec. 005 PROT ALL.

MIGRATORY BIRDS

Surface disturbing activities during the migratory bird nesting season (March to July) may be restricted in order to avoid potential violation of the Migratory Bird Act. Appropriate inventories of migratory birds shall be conducted during analysis of actual site development. If active nests are located, or if other evidence of nesting is observed (mating pairs, territorial defense, carrying of nesting material, transporting of food), the proponent shall coordinate with BLM to establish appropriate protection measures for the nesting sites. Protection measures may include avoidance or restricting or excluding development in certain areas until nests and nesting birds will not be disturbed. After July 31, no further avian survey, will be conducted until the following year.

Parcels**Description of Lands**

NV-13-06-003
THRU
NV-13-06-041

ALL LANDS

MATERIAL SITE STIPULATION

The lessee accepts this lease subject to the right of the State of Nevada to remove road building material from the land embraced in Material Site No. NVCC 19974 and agrees that its operations will not interfere with the material operations of the Department of Transportation.

Parcel**Description of Lands**

NV-13-06-019

T.0080N, R.0550E, 21 MDM, NV
Sec. 020 S2NW, N2SW.

COMMUNITY PIT STIPULATION

The lessee accepts this lease subject to the right of individuals, authorized by the Bureau of Land Management Battle Mountain District Office, to remove sand and gravel from the land embraced in Community Pit No. N-20299. The lessee agrees that its operations will not interfere with the use of the pit(s) by these individuals.

Parcel**Description of Lands**

NV-13-06-024

T.0080N, R.0560E, 21 MDM, NV
Sec. 006 Lot 4.

**NO SURFACE OCCUPANCY STIPULATION
RAILROAD VALLEY (LOCKES)**

No surface use is allowed on the land described below (legal description or other description):

Railroad Valley (Lockes)

For the purpose of:

Protect the Railroad Valley Wildlife Management Area Lockes Pond Complex impoundments with a buffer zone for resident and migratory waterfowl and shorebirds.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of the stipulation, see BLM Manual 1624 and 3101).

<u>Parcels</u>	<u>Description of Lands</u>
NV-13-06-019	T.0080N, R.0550E, 21 MDM, NV Sec. 014 NENW, W2E2, SESE.
NV-13-06-025	T.0080N, R.0560E, 21 MDM, NV Sec. 019 W2NW.

**NO SURFACE OCCUPANCY STIPULATION
RAILROAD VALLEY (BIG WELL)**

No surface use is allowed on the land described below (legal description or other description):

Railroad Valley (Big Well)

For the purpose of:

Protection of the Railroad Valley Wildlife Management Area

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of the stipulation, see BLM Manual 1624 and 3101).

Parcel

Description of Lands

NV-13-06-023

T.0080N, R.0560E, 21 MDM, NV
Sec. 002 Lots 1-4;
002 S2N2, E2SE, E2W2SE.

**THREATENED, ENDANGERED, AND SPECIAL STATUS SPECIES
CURRANT MILKVETCH**

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it complete its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. &1531 et seq., including completion of any required procedure for conference or consultation.

Authority: BLM Washington Office Instruction Memorandum 2002-174; Endangered Species Act

For the purpose of:

Protecting the Currant Milkvetch, a BLM Special Status Species.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of the stipulation, see BLM Manual 1624 and 3101).

Parcels

Description of Lands

NV-13-06-023

T.0080N, R.0560E, 21 MDM, NV
Sec. 002.

NV-13-06-019

T.0080N, R.0550E, 21 MDM, NV
Sec. 003.

**THREATENED, ENDANGERED, AND SPECIAL STATUS SPECIES
EASTWOOD MILKWEED**

The lease area may now or hereafter contain plants, animals, or their habitats determined to be threatened, endangered, or other special status species. BLM may recommend modifications to exploration and development proposals to further its conservation and management objective to avoid BLM-approved activity that will contribute to a need to list such a species or their habitat. BLM may require modifications to or disapprove proposed activity that is likely to result in jeopardy to the continued existence of a proposed or listed threatened or endangered species or result in the destruction or adverse modification of a designated or proposed critical habitat. BLM will not approve any ground-disturbing activity that may affect any such species or critical habitat until it complete its obligations under applicable requirements of the Endangered Species Act as amended, 16 U.S.C. &1531 et seq., including completion of any required procedure for conference or consultation.

Authority: BLM Washington Office Instruction Memorandum 2002-174; Endangered Species Act

For the purpose of:

Protecting the Eastwood Milkweed, a BLM Special Status Species.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of the stipulation, see BLM Manual 1624 and 3101).

Parcel

Description of Lands

NV-13-06-019

T.0080N, R.0550E, 21 MDM, NV
Sec. 029.

**NOTICE FOR LANDS OF THE NATIONAL FOREST SYSTEM
UNDER JURISDICTION OF
DEPARTMENT OF AGRICULTURE
R4-FS-13d**

In conducting operations associated with this lease, the lessee/operator must comply with all the rules and regulations of the Secretary of Agriculture set forth at Title 36, Chapter II, of the Code of Federal Regulations governing the use, occupancy, and management of National Forest System (NFS) lands when not inconsistent with existing lease rights granted by the Secretary of Interior.

All matters related to this notice are to be addressed to:

Forest Supervisor
Humboldt-Toiyabe NF
1200 Franklin Way
Sparks, NV 89431
Telephone: 775-331-6444

who is the authorized representative of the Secretary of Agriculture.

Cultural Resources (National Historic Preservation Act of 1966 (NHPA), P.L. 89-665 as amended by P.L. 94-422, P.L. 94-458, and P.L. 96-515):

The Forest Service authorized officer is responsible for ensuring that the leased lands are examined prior to the undertaking of any ground-disturbing activities to determine whether or not cultural resources are present, and to specify mitigation measures for effects on cultural resources that are found to be present.

The lessee or operator shall contact the Forest Service to determine if a site-specific cultural resource inventory is required prior to undertaking any surface-disturbing activities on Forest Service lands covered by this lease.

The lessee or operator may engage the services of a cultural resource specialist acceptable to the Forest Service to conduct any necessary cultural resource inventory of the area of proposed surface disturbance. In consultation with the Forest Service authorized officer, the lessee or operator may elect to conduct an inventory of a larger area to allow for alternative or additional areas of disturbance that may be needed to accommodate other resource needs or operations.

The lessee or operator shall implement mitigation measures required by the Forest Service to preserve or avoid destruction of cultural resource values. Mitigation may include relocation of proposed facilities, testing, salvage, and recordation or other protective measures.

During the course of actual surface operations on Forest Service lands associated with this lease, the lessee or operator shall immediately bring to the attention of the Forest Service the discovery of any cultural or paleontological resources. The lessee or operator shall leave such discoveries intact until directed to proceed by Forest Service.

Threatened or Endangered Species (The Endangered Species Act. (ESA), P.L. 93-205 (1973), P.L. 94-359(1974), P.L. 95-212 (1977), P.L. 95-632 (1978), P.L. 96-159 (1979), P.L. 97-304 (1982), P.L. 100-653 (1988)).

The Forest Service authorized officer is responsible for compliance with the Endangered Species Act. This includes meeting ESA Section 7 consultation requirements with the U.S. Fish and Wildlife Service prior to any surface disturbing activities associated with this lease with potential effects to species and/or habitats protected by the ESA. The results of consultation may indicate a need for modification of or restrictions on proposed surface disturbing activities.

The lessee or operator may choose to conduct the examination at their cost. Results of the examination will be used in any necessary ESA consultation procedures. This examination and any associated reports, including Biological Assessments, must be done by or under the supervision of a qualified resource specialist approved by the Forest Service. Any reports must also be formally approved by the USDA Forest Service biologist or responsible official.

<u>Parcel</u>	<u>Description of Lands</u>
NV-13-06-030	ALL LANDS

**NO SURFACE OCCUPANCY STIPULATION
USDA FOREST SERVICE
R4-FS-NSO 14**

No surface occupancy or use is allowed on the lands described below (legal subdivision or other description).

a. Erosion Hazard – Slopes greater than 40% within:

T.0060N, R.0570 E, 21 MDM, NV
Sec. 008 (portions of) PROT SWSW.

b. Riparian Buffers – All streams (+100-yr flood plain, springs, ponds, and riparian) on lands within:

T.0060N, R.0570 E, 21 MDM, NV
Sec. 008 (portions of) PROT N2SW, S2SE, NE.

For the purpose of:

a. Erosion Hazard – Slopes greater than 40%. To preclude construction of well sites and related facilities on slopes over 40%, which would involve relative risk of failure for large cu and fill slopes, which would be difficult to rehabilitate.

b. Riparian Buffers – All streams (+100-yr flood plain, springs, ponds, and riparian) – to preclude new surface-disturbing activities within critical riparian and aquatic habitats and 100-year flood plains.

Any changes to this stipulation will be made in accordance with the land use plan, the Oil and Gas Leasing EIS, and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101 or FS Manual 1950 and 2820.)

<u>Parcel</u>	<u>Description of Lands</u>
NV-13-06-030	SEE ABOVE

**CONTROLLED SURFACE USE STIPULATION
USDA FOREST SERVICE
R4-FS-CSU 16**

Surface occupancy or use on lands below that are subject to special operating constraints.

a. Erosion Hazard with steep slopes of 25-40%

T.0060N, R.0570 E, 21 MDM, NV
Sec. 008 (portions of) PROT SESE, E2NE.

b. Recreation Opportunity Spectrum – Semi-Primitive Non-Motorized (ROS/SPNM) Areas

T.0060N, R.0570 E, 21 MDM, NV
Sec. 008 (portions of) PROT SESW, E2.

c. Bighorn Sheep

T.0060N, R.0570 E, 21 MDM, NV
Sec. 008 PROT E2, SW.

d. Inventoried Roadless Areas

T.0060N, R.0570 E, 21 MDM, NV
Sec. 008 PROT E2, SW.

For the purpose of:

a. Erosion Hazard (slopes 25-40%) - to require facilities such as well sites to be located to minimize construction on slopes and or to be designed to minimize large cut and fill slopes that are difficult to rehabilitate.

b. Recreation Opportunity Spectrum – Semi-Primitive Non-Motorized (ROS/SPNM) Areas – to limit the effect of disturbance by requiring that activities be located, designed, and reclaimed in a manner that maintains the semi-primitive non-motorized character of the land.

c. Bighorn Sheep - to require that activities be located and/or designed to avoid or minimize the potential loss of habitat, increased stress and/or displacement of big horn sheep.

d. Inventoried Roadless Areas - road construction and reconstruction would not be allowed in accordance with 2001 Roadless Area Conservation Rule.

Any changes to this stipulation will be made in accordance with the land use plan and/or the regulatory provisions for such changes. (For guidance on the use of this stipulation, see BLM Manual 1624 and 3101, Forest Service Oil and Gas Regulations, 36 CFR, Sec. 228.104.)

Parcel

Description of Lands

NV-13-06-030

SEE ABOVE